

AMENDED IN ASSEMBLY MARCH 15, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2417

Introduced by Assembly Member Cooley

February 19, 2016

An act to amend Section ~~19 11105.04~~ of the Penal Code, relating to ~~crimes~~; *child abuse*.

LEGISLATIVE COUNSEL'S DIGEST

AB 2417, as amended, Cooley. ~~Crimes: misdemeanors.~~ *Child abuse reporting.*

Existing law requires the Department of Justice to maintain an index of all reports of child abuse and severe neglect submitted by agencies mandated to make those reports. Existing law requires the Department of Justice to make relevant information contained in the index available to specified law enforcement agencies, county welfare departments, and other agencies that are conducting a child abuse investigation.

Existing law authorizes a designated Court Appointed Special Advocate (CASA) program to submit to the department fingerprint images and related information of employment and volunteer candidates for the purpose of obtaining information as to the existence and nature of any record of child abuse investigations contained in the Child Abuse Central Index, state- or federal-level convictions, or state- or federal-level arrests for which the department establishes that the applicant was released on bail or on his or her own recognizance pending trial. Existing law requires the department to charge a fee sufficient to cover the cost of processing the requests for state- and federal-level criminal offender record information.

This bill would instead prohibit the department from charging a fee for state-level criminal offender record information.

~~Existing law provides that except in cases where a different punishment is prescribed by law, every offense declared to be a misdemeanor is punishable by imprisonment in the county jail not exceeding 6 months, or by a fine not exceeding \$1,000, or by both the fine and imprisonment.~~

~~This bill would make technical, nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 11105.04 of the Penal Code is amended*
2 *to read:*

3 11105.04. (a) A designated Court Appointed Special Advocate
4 (CASA) program may submit to the Department of Justice
5 fingerprint images and related information of employment and
6 volunteer candidates for the purpose of obtaining information as
7 to the existence and nature of any record of child abuse
8 investigations contained in the Child Abuse Central Index, state-
9 or federal-level convictions, or state- or federal-level arrests for
10 which the department establishes that the applicant was released
11 on bail or on his or her own recognizance pending trial. Requests
12 for federal-level criminal offender record information received by
13 the department pursuant to this section shall be forwarded to the
14 Federal Bureau of Investigation by the department.

15 (b) When requesting state-level criminal offender record
16 information pursuant to this section, the designated CASA program
17 shall request subsequent arrest notification, pursuant to Section
18 11105.2 of the Penal Code, for all employment and volunteer
19 candidates.

20 (c) The department shall respond to the designated CASA
21 program with information as delineated in subdivision (p) of
22 Section 11105 of the Penal Code.

23 (d) *(1)* The department shall charge a fee sufficient to cover
24 the cost of processing the requests for ~~state-~~and federal-level
25 criminal offender record information.

1 (2) *The department shall not charge a fee for state-level criminal*
2 *offender record information.*

3 (e) For purposes of this section, a designated CASA program
4 is a local court-appointed special advocate program that has
5 adopted and adheres to the guidelines established by the Judicial
6 Council and which has been designated by the local presiding
7 juvenile court judge to recruit, screen, select, train, supervise, and
8 support lay volunteers to be appointed by the court to help define
9 the best interests of children in juvenile court dependency and
10 wardship proceedings. For purposes of this section, there shall be
11 only one designated CASA program in each California county.

12 ~~(f) This section shall become operative on July 1, 2004.~~

13 ~~SECTION 1. Section 19 of the Penal Code is amended to read:~~

14 ~~19. Except in cases where a different punishment is prescribed~~
15 ~~by any law of this state, every offense declared to be a~~
16 ~~misdemeanor is punishable by imprisonment in a county jail not~~
17 ~~exceeding six months, by a fine not exceeding one thousand dollars~~
18 ~~(\$1,000), or by both that fine and imprisonment.~~